

## REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and following remarks are respectfully requested.

In the Office Action, Claims 1 through 20 were indicated as being allowed. Claims 24 through 26, 35 and 42 were also indicated as being allowable if rewritten in independent form. In response, Independent Claim 50 has been added which represents Claim 24 written in an independent format, while Independent Claim 51 has also been added which represents Claim 35 written in independent format.

In the Office Action, the remaining claims were rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,878,753 to Peterson and/or in view of U.S. Patent No. 4,889,145 to Adams. In response, Applicants submit that the claims as presently amended patentably defined over the above two cited references.

For instance, independent Claim 21 is directed to a process for producing a paper wrapper having reduced ignition proclivity characteristics. Multiple layers of a film-forming composition are applied to a paper wrapper at particular locations. The multiple layers include at least a first layer and a second layer. The second layer is positioned on top of the first layer. The first layer contains the film-forming composition in a first amount in a weight per area basis, and the second layer contains the film-forming composition in a second amount in a weight per area basis. Claim 21 further requires that the first amount be greater than or less than

the second amount. Since the first amount and second amount are based on a weight per area basis, it is believed that Claim 21 patentably defines over Peterson.

In the Office Action, the Examiner correctly interpreted Peterson in stating that there may be less film-forming material applied with each layer when forming the bands in Peterson since the layers have a successively decreasing width. Claim 21, however, requires that the amount of the film-forming composition applied to the paper wrapper to form the layers is in a weight per area basis. It is believed that this type of distinction is not disclosed by Peterson. As such, it is believed that Claim 21 patentably defines over Peterson.

In the Office Action, independent Claim 40 was rejected in view of Adams. Claim 40 is directed to a process for producing a paper wrapper having reduced ignition proclivity characteristics. Claim 40 requires a paper wrapper having a relatively high permeability, particularly having a permeability from about 60 Coresta to about 110 Coresta. A film-forming composition is applied to the paper wrapper at particular locations. The film-forming composition reduces the permeability within a predetermined range sufficient to reduce ignition proclivity. In particular, the permeability is less than about 20 Coresta within the treated areas. Further, the treated areas have a Burn Mode Index of less than about 8 cm<sup>-1</sup>. In this manner, the treated areas reduce ignition proclivity by reducing oxygen to a smoldering coal of the cigarette as the coal burns and advances into the treated area.

Adams is directed to a smoking rod wrapper that is unperforated. The wrapper comprises a permeable substrate having a coated area in which the material is coated or impregnated with a coating of a porosity-reducing substance. The objective of the wrapper in Adams is to alter the profile of the tar delivery so that there is less difference between the early and late puffs of the cigarette, and to do this without adverse affects on other smoking properties.

As opposed to Claim 40, however, Adams fails to disclose or suggest forming treated discrete areas on a wrapper that have a permeability sufficient to reduce ignition proclivity and have a Burn Mode Index of less than about  $8 \text{ cm}^{-1}$ . In fact, Adams teaches applying relatively large amounts of a burn promoter to the treated areas so that the burn characteristics of the wrapper are not altered even after treatment with the porosity-reducing substance. (See Column 3, Lines 23 through 63). Since Adams fails to teach treated areas having reduced ignition proclivity characteristics and fails to disclose treated areas having a Burn Mode Index of less than about  $8 \text{ cm}^{-1}$ , it is believed that Claim 40 patentably defines over Adams either alone or in combination with Peterson.

The Office Action states that the Information Disclosure Statement previously filed by Applicants is not considered since, apparently, none of the references were received by the Examiner. Applicants do have a return postcard received from the Patent Office indicating that all the references were sent and received by the Patent Office. In order to have the Information Disclosure

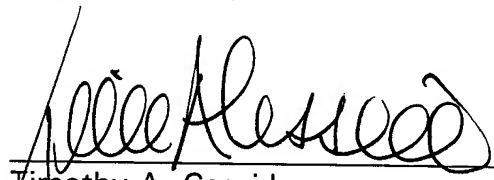
Statement considered, however, Applicants will resubmit all the references for the Examiner's consideration. Since the Information Disclosure Statement was previously submitted, however, it is believed that no fees will be required for this submission.

In summary, Applicants submit that the present application is in complete condition for allowance. Should any issues remain after consideration of this response, however, Examiner Walls is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

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